

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-339-D

SONIA I. WRIGLESWORTH,

Plaintiff,

v.

MARK T. ESPER, Secretary, U.S.
Department of the Army,

Defendant.

ORDER

On January 7, 2019, Sonia I. Wriglesworth (“Wriglesworth” or “plaintiff”), proceeding pro se, filed an amended complaint against Mark T. Esper (“Esper” or “defendant”) [D.E. 15].¹ On May 13, 2019, Esper moved to dismiss Wriglesworth’s complaint [D.E. 22] and filed a memorandum in support [D.E. 23]. See Fed. R. Civ. P. 12(b)(6). On July 18, 2019, Wriglesworth responded in opposition [D.E. 28]. Esper did not reply. As explained below, the court grants Esper’s motion to dismiss and dismisses Wriglesworth’s amended complaint.

Wriglesworth is a familiar litigant. See, e.g., Wriglesworth v. Speer, No. 5:17-CV-252-D, 2018 WL 1950432, at *1 (E.D.N.C. Apr. 25, 2018) (unpublished), appeal dismissed in part and aff’d in part, 765 F. App’x 6 (4th Cir. 2019) (per curiam) (unpublished). The court has considered Wriglesworth’s amended complaint under the governing standard. See Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554–63 (2007); Erickson v. Pardus,

¹ Esper argues that Rule 15(a)(1)(B) now applies a 21-day deadline for amendment without leave of court after motions to dismiss under Rule 12(b). Although Esper is correct, the court amends its order of April 26, 2019, to grant Wriglesworth leave to amend her complaint under Rule 15(a)(2). See Fed. R. Civ. P. 15(a)(2); Equal Rights Ctr. v. Niles Bolton Assocs., 602 F.3d 597, 602–03 (4th Cir. 2010). Thus, the court considers Wriglesworth’s amended complaint.

551 U.S. 89, 94 (2007) (per curiam); Coleman v. Md. Ct. of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 566 U.S. 30 (2012); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Weller v. Dep't of Soc. Servs., 901 F.2d 387, 391 (4th Cir. 1990). Even liberally construed, Wriglesworth's amended complaint does not state a plausible claim for relief. See [D.E. 23]6-24; Wriglesworth, 2018 WL 1950432, at *1-2.

In sum, the court GRANTS Esper's motion to dismiss [D.E. 22] and DISMISSES Wriglesworth's complaint [D.E. 15]. The clerk shall close the case.

SO ORDERED. This 11 day of September 2019.


JAMES C. DEVER III
United States District Judge